

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>PIG BOYS, INC., a Utah corporation, Plaintiff,</p> <p>vs.</p> <p>ALL STAR CATERING LLC, a New Mexico limited liability company, <i>et al.</i>,</p> <p>Defendants.</p>	<p>MEMORANDUM DECISION AND ORDER</p> <p>Case No. 2:11-CV-78-CW</p>
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This court “must, *sua sponte*, satisfy itself of its power to adjudicate in every case and at every stage of the proceedings.” *State Farm Mut. Auto. Ins. Co. v. Narvaez*, 149 F.3d 1269, 1270-71 (10th Cir. 1998). Here, Plaintiff Pig Boys, Inc., a Utah citizen, invokes diversity jurisdiction in its complaint pursuant to 28 U.S.C. § 1332. Such jurisdiction requires complete diversity of state citizenship between plaintiffs and defendants as well as an amount in controversy exceeding \$75,000. The Tenth Circuit has emphasized that courts should “rigorously enforce” restrictions on diversity jurisdiction. *Id.* (internal quotation marks and citation omitted). “[T]he burden of proving jurisdiction is on the party asserting it.” *Id.* (internal quotation marks and citations omitted). In determining whether there is complete diversity of state citizenship in an action involving more than one defendant, “the plaintiff must

meet the requirements of the diversity statute for *each* defendant or face dismissal.” *United States ex rel. General Rock & Sand Corp. v. Chuska Dev. Corp.*, 55 F.3d 1491, 1495 (10th Cir. 1995) (internal quotation marks and citation omitted).

In this case, Pig Boys has sued All Star Catering, LLC, a limited liability company. Though Pig Boys alleges that All Star Catering is a New Mexico limited liability company with its principal place of business in New Mexico, Pig Boys has not identified the state citizenship of the members of All Star Catering. But “for entities other than corporations,” the court’s “diversity jurisdiction in a suit by or against [an] entity depends on the citizenship of. . . each of its members.” *Penteco Corp. Ltd. Partnership-1985A v. Union Gas Sys., Inc.*, 929 F.2d 1519, 1523 (10th Cir. 1991) (quoting *Carden v. Arkoma Assoc.*, 494 U.S. 185, 189 (1990), (internal quotations omitted). Until Pig Boys establishes that none of the members All Star Catering are Utah citizens, the court cannot conclude that there is complete diversity here.

Pig Boys is therefore ORDERED to show cause why this action should not be dismissed for lack of subject matter jurisdiction under 28 U.S.C. § 1332. Such a showing must be made within 10 days of the date of this order. Alternatively, Pig Boys may move to amend the complaint or to voluntarily withdraw this action from the federal docket. Either of these options must also be exercised within 10 days of this order.

DATED this 4th day of March, 2011.

BY THE COURT:



Clark Waddoups
United States District Court Judge